

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1138 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

HEMAL SHRIKANT SUTARIA

Versus

LALBHAI POCHALAL SUTARIA

Appearance:

MR MAHESH R SHAH for Petitioner

MR AV TRIVEDI for Respondents No. 3 to 11

None present for Respondents No.1 and 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 02/11/98

ORAL JUDGEMENT

The original plaintiff, petitioner herein, by this civil revision application under section 115 of C.P.C., 1908 challenges the order dated 15-4-1998 of City Civil Court (Aux.) passed in civil suit No.2254/96 under which the application filed by him for grant of permission to amend the plaint has been rejected.

Learned counsel for the defendants-respondents

No.3 to 11 has not opposed this civil revision application. He further made a statement before this Court that he has no objection in case the application filed by the petitioner, original plaintiff, for grant of amendment in the plaint is granted by this Court. This application is marked as Ex.52 in the trial court.

In view of this concession made by the learned counsel for the defendants-respondents the order impugned in this civil revision application cannot be allowed to stand.

In the result, this civil revision application is allowed and the order of the court below impugned in this civil revision application is quashed and set aside and the application Ex.52 of the plaintiff-petitioner filed for amendment of the plaint of Civil Suit No.2254/96 is granted and he is permitted to amend the plaint as proposed therein. Rule is made absolute accordingly.

zgs/-